

In re) Fair Hearing No. 20,650
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Appeal of)

The petitioner appeals the decision of the Department for Children and Families, Health Access Eligibility Unit (HAEU) terminating her and her husband's eligibility for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner lives with her husband. They do not have any dependent children. Following a review of their eligibility in October 2006, the Department sent a notice terminating the petitioner's and her husband's VHAP effective December 1, 2006.

2. At a hearing held on January 10, 2007 the petitioner did not dispute the Department's determination that her countable household income was over \$4,000 a month, which is well in excess of the VHAP maximum of \$1,712 for a two-person household with minor children.

3. It appears that the petitioner and her husband had received VHAP in error based on a May 2006 application from which the Department factored in only the couple's income from self employment but not from their wages. Unfortunately, the petitioner's husband has high pharmaceutical expenses which will no longer be covered by VHAP.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations, all earned income from wages and self employment, except a \$90 disregard per person, is included as countable income for eligibility. W.A.M. § 4001.81(b). There is no dispute that as of the dates of her application and hearing the petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a two-person family, which as of January 1, 2007 is \$1,712. P-2420 B. Thus, the Department's decision finding the petitioner and her husband ineligible for VHAP based on their October 2006 review must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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